



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: Lord Simon Case CVO, former Cabinet Secretary and Head of the Civil Service at the Cabinet Office. Paid appointment with Invisible Technologies.

1. Lord Case sought advice from the Advisory Committee on Business Appointments (the Committee) under the government's Business Appointment Rules for Former Crown Servants (the Rules) on taking up a role with Invisible Technologies as an Adviser.
2. The purpose of the Rules is to protect the integrity of the government. The Committee has considered the risks associated with the actions and decisions taken during Lord Case's time in government service, alongside the information and influence he may offer Invisible Technologies, as the former Cabinet Secretary. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee's¹ advice is not an endorsement of the appointment – it imposes a number of conditions to mitigate the potential risks to the government associated with the appointment under the Rules.
4. The Rules set out that Crown servants must abide by the Committee's advice². It is an applicant's personal responsibility to manage the propriety of any appointment. Former Crown servants are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

¹ This application for advice was considered by Isabel Doverty; Hedley Finn OBE; Michael Prescott; and The Baroness Thornton. Sarah de Gay and Dawid Konotey-Ahulu CBE DL were unavailable.

² Which apply by virtue of the Civil Service Management Code, The Code of Conduct for Special Advisers, The King's Regulations and the Diplomatic Service Code

The Committee's consideration of the risks presented

5. Invisible Technologies is a company that provides AI model training and AI model deployment services. It develops, trains, and deploys AI systems for enterprises. It provides an 'AI operating system' that combines its software platform with a global team of human experts to build customised AI solutions.
6. There is no relationship between Invisible Technologies and Lord Case's former department and he did not meet with the company, nor was he involved in any decisions specific to Invisible Technologies whilst he was in government service. Therefore, the Committee considered the risk this work could reasonably be perceived as a reward for decisions made in office was low.
7. As the former Cabinet Secretary and Head of the Civil Service, Lord Case was privy to a range of sensitive information across government. This likely includes matters related to AI some of which may be relevant to Invisible Technologies. The Committee considered the following factors limit this risk:
 - there is no specific information that the Cabinet Office is aware of from his time that would offer Invisible Technologies an unfair advantage
 - he left his role as Cabinet Secretary over nine months ago which reduces the currency of the information he holds
 - AI is rapidly evolving and there have been numerous policy developments since Lord Case was in role as Cabinet Secretary.
8. Nonetheless, as Cabinet Secretary, it is hard to demonstrate that all information available to him on relevant matters is now obsolete and it is possible there is residual information on various AI matters still in flux.
9. Given Lord Case's seniority and the span of his role in office, there is a risk associated with the contacts he gained during his time in government service. Specifically, there is a risk that his role as Cabinet Secretary and Head of the Civil Service may be seen to have offered him access to contacts and influence that could be used to provide unfair access to government on behalf of Invisible Technologies. In particular, the Committee considered it would be hard to demonstrate that any contact Lord Case made with government on the company's behalf would not be lobbying. It is relevant that he and Invisible Technologies confirmed there would be no such engagement.

The Committee's advice

10. The Committee determined the risks identified in this application can be appropriately mitigated by the conditions below. These make it clear Lord Case cannot make use of information or influence gained from his time in Crown

service to the unfair advantage of Invisible Technologies. The Committee recognised the risks associated with Lord Case's network in government given the seniority and span of his former role and the potential for him to offer Invisible Technologies unfair access to government. The Committee has therefore imposed a ban on initiating direct engagement with the UK government on behalf of Invisible Technologies.

11. The Committee advises, under the government's Business Appointment Rules, that Lord Case's appointment with **Invisible Technologies** be subject to the following conditions:

- he should not draw on (disclose or use for the benefit of himself or the persons or organisations to which this advice refers) any privileged information available to him from his time in Crown service;
- for two years from his last day in Crown service, he should not become personally involved in lobbying government or any of its arm's length bodies on behalf of Invisible Technologies (including parent companies, subsidiaries, partners and clients); nor should he make use, directly or indirectly, of his contacts in government and/or Crown service to influence policy, secure business/funding or otherwise unfairly advantage Invisible Technologies (including parent companies, subsidiaries, partners and clients);
- for two years from his last day in Crown service, he should not provide advice to Invisible Technologies (including parent companies, subsidiaries or partners) on the terms of, or with regard to the subject matter of, a bid or contract with, or relating directly to the work of the UK government or its arm's length bodies; and
- for two years since his last day in office, he should not initiate any engagement with the UK government or its arm's length bodies on behalf of Invisible Technologies (or parent companies, subsidiaries, partners and clients).

12. The advice and the conditions under the government's Business Appointment Rules relate to Lord Case's previous role in government only; they are separate from rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists, the Parliamentary Commissioner for Standards and the Registrar of Lords' Interests³. Lord Case is reminded that, as a Member of the House of Lords, he is prevented from any paid lobbying under the House of Lords Code of Conduct. It is an applicant's personal responsibility to understand

³ All Peers and Members of Parliament are prevented from paid lobbying under the House of Commons Code of Conduct and the Code of Conduct for Members of the House of Lords. Advice on your obligations under the Code can be sought from the Parliamentary Commissioners for Standards, in the case of MPs, or the Registrar of Lords' Interests, in the case of peers.

any other rules and regulations they may be subject to in parallel with this Committee's advice.

13. By 'privileged information' we mean official information to which a minister or Crown servant has had access as a consequence of his or her office or employment and which has not been made publicly available. Applicants are also reminded that they may be subject to other duties of confidentiality, whether under the Official Secrets Act, the Ministerial Code/Civil Service Code or otherwise.
14. The Business Appointment Rules explain that the restriction on lobbying means that the former Crown servant/minister *'should not engage in communication with government (ministers, civil servants, including Special Advisers, and other relevant officials/public office holders) – wherever it takes place – with a view to influencing a government decision, policy or contract award/grant in relation to their own interests or the interests of the organisation by which they are employed, or to whom they are contracted or with which they hold office.'*
15. Lord Case must inform us as soon as he takes up this work or if it is announced that he will do so. Similarly, he must seek advice if he proposes to extend or otherwise change his role with the organisation.
16. Once this appointment has been publicly announced or taken up, this advice letter will be published.

Annex - Material information

The role

1. Invisible Technologies is a US headquartered company that provides AI model training and AI deployment services. It develops, trains, and deploys AI systems for enterprises. It provides an 'AI operating system' that combines its software platform with a global team of human experts to build customised AI solutions.
2. Lord Case said that in his paid, part-time role as Adviser - he will provide strategic advice on the opportunities for deployment of the company's services around the world and the issues affecting global attitudes towards the deployment of AI. He said he will sit on its advisory board, as well as engage in other meetings with the senior leadership of the company.
3. The role will not involve contact with government.

Correspondence with Invisible Technologies

4. Invisible Technologies confirmed in writing its understanding of and agreement to comply with the Committee's advice.

Dealings in office

5. Lord Case told the Committee he did not meet with Invisible Technologies while in office and was not involved in any commercial or contractual decisions relating to the company or competitors.
6. As Cabinet Secretary, Lord Case noted he was the most senior civil servant and had access to a range of information across government. He said he met with various AI companies and attended roundtable discussions and made speeches referencing the technology.

Departmental assessment

7. The Cabinet Office confirmed the details provided by Lord Case and were not aware of any specific pieces of information that Lord Case has access to that could provide Invisible Technologies with an unfair advantage.
8. The Cabinet Office said that due to the seniority of Lord Case's role in office, he would be privy to a range of information across government - some of which may be related to AI.
9. The Cabinet Office recommended the standard conditions apply to his proposed appointment, including a three month waiting period that applies to the most senior officials (now elapsed).